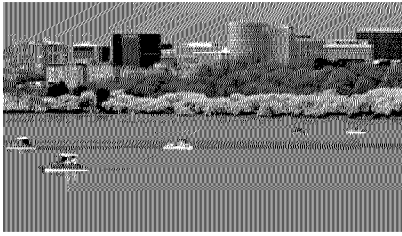


Water Law News for April 26, 2012
Mary Grady to: Steven Neugeboren
Bcc: Mindy Kairis

04/26/2012 10:00 AM

From: Mary Grady/DC/USEPA/US
To: Steven Neugeboren/DC/USEPA/US@EPA,
Bcc: Mindy Kairis/DC/USEPA/US



WATER LAW NEWS

APRIL 26, 2012

BNA, Inc.

Daily Environment

REPORT

HIGHLIGHTS

Agriculture

Senate Agriculture Delays Farm Bill Vote

The Senate Agriculture Committee's plan to vote on a five-year farm bill stumbled April 25 after Southern commodity groups complained that rice, peanuts, and other crops would not receive adequate protection. Among other things, the...

Climate Change

Recommendations on Greenhouse Gas

Permit Streamlining Going to EPA in October

An advisory group will report back to the Environmental Protection Agency in October with recommendations to streamline the greenhouse gas permitting program....

Drilling

California Bill Calls for Property Owners

To Get Advance Notice of Drilling, Fracking

LOS ANGELES—Property owners would have to be given advance notice of nearby oil drilling and hydraulic fracturing operations under legislation that cleared the California Senate's Committee on Environmental Quality on April...

Drinking Water

Model for Assessing Reservoir Volumes

Might Help Control Microbes, Official Says

A risk model to assess the volume of water that flows through uncovered reservoirs would be useful in developing a strategy to control microbes in sources of drinking water, a water utility official said April 24....

Energy

House Committee Approves Energy

Spending Bill, With Water Policy Rider

The House Appropriations Committee approved a \$32.1 billion fiscal 2013 energy and water spending bill April 25 after adding a policy rider that would bar the U.S. Army Corps of Engineers from implementing Clean Water Act guidance that clarifies...

Enforcement

Ethanol Facility Fined for Wastewater Violations

ST. PAUL, Minn.—Bushmills Ethanol Inc. has agreed to pay a civil penalty of \$800,000 for discharging wastewater that contained unpermitted levels of salt and other pollutants and then providing inaccurate information about the discharges,...

Regulatory Policy

House Oversight Committee to Revise Bill

Placing Moratorium on New Regulations

The House Oversight and Government Reform Committee April 26 will mark up a revised version of a bill to declare a moratorium on all new federal regulations, with the new version imposing a regulatory ban until unemployment is significantly...

Water Pollution

EPA Framework for Integrated Approach

On Managing Overflows Expected in May

The Environmental Protection Agency's final framework for instituting a voluntary integrated planning approach for managing stormwater and wastewater has been pushed back from an expected end-of-April release date, EPA water officials...

Water Pollution

EPA Renegotiating Deadlines for Proposals

On Concentrated Animal Feeding Operations

The Environmental Protection Agency is in the process of renegotiating deadlines to issue a final rule that would require concentrated animal feeding operations to provide data to the agency, an EPA official said April 25....

Water Pollution

EPA Says Delay in Cost, Benefit Analysis

Could Push Back Stormwater Rule by Year

An Environmental Protection Agency senior water regulator said problems with the cost and benefit analysis of the upcoming stormwater rule could delay the proposal by at least a year past the deadline of April 27 set in a legal settlement....

Water Pollution

Overall Quality of Coastal Waters Rated

As 'Fair' in New Assessment by EPA

Overall water quality in U.S. coastal waters and the Great Lakes was rated as "fair" by the Environmental Protection Agency in its recently released ecological assessment....

BNA INSIGHTS

What's the Deal With Fracking? Regulation, Litigation, and Due Diligence

It is an unusual day where the news does not have a leading story about natural gas, shale formations, or hydraulic fracturing. However, neither natural gas exploration and production (E&P) nor the drilling technique known as hydraulic...



Inside EPA Weekly Report, 4/27/12

<http://insideepa.com/Inside-EPA/Inside-EPA-04/27/2012/menu-id-67.html>

IOM Targets Fracking In Push For Health Impact Studies In Energy Policies

At the request of EPA and other agencies, the Institute of Medicine (IOM), a branch of the National Academies, is hosting a workshop later this month to explore whether the use of human health impact assessments (HIAs), which agencies are being urged to craft, can limit potential health risks associated with hydraulic fracturing.

Inhofe Investigating EPA Intent Behind Flailing Fracking Enforcement Cases

Sen. James Inhofe (R-OK), ranking member on the environment panel, is investigating what he argues is EPA's attempt to harm hydraulic fracturing operations with three recent oversight actions in Pennsylvania, Texas and Wyoming where the agency's efforts appear to have struggled with legal, scientific and other issues.

California Water Study Expected To Shape Cr6 Drinking Water Standard

The Association of California Water Agencies (ACWA) and other entities have released the results of a study on expected costs for water agencies to comply with an upcoming California Department of Public Health (DPH) state drinking water maximum contaminant level (MCL) for hexavalent chromium (Cr6). The report is expected to influence how DPH ultimately sets the MCL, sources say.

U.S Says Narrow NPDES Exemption For Farm Drains 'Makes Little Sense'

The U.S. Bureau of Reclamation (USBR) is defending its efforts to dismiss citizen litigation over a Clean Water Act (CWA) permitting exemption for farm drainage systems, arguing that plaintiffs' push for a narrow reading of the waiver "makes little sense" and is contrary to congressional intent because it would render it virtually meaningless.



OIL AND GAS:

Inhofe to investigate EPA's handling of drilling complaints

Mike Soraghan, E&E reporter

Published: Wednesday, April 25, 2012

The top Republican on the Senate Environment and Public Works Committee announced today he's investigating U.S. EPA's handling of three high-profile reports of drinking water contamination from drilling.

Sen. Jim Inhofe (R-Okla.), one of the most outspoken supporters of drilling in Congress, has taken up the cause armed with a video of EPA Regional Administrator Al Armendariz comparing his enforcement philosophy to ancient Romans crucifying villagers in towns they'd overrun. Late today, Armendariz issued an apology for his remarks.

"I haven't seen much evidence to counter Armendariz's statement that EPA's 'general philosophy' is to 'crucify' and 'make examples' of oil and gas companies, so this investigation is clearly needed," Inhofe said in a speech on the Senate floor.

Late last month, EPA dropped the case Armendariz had brought against Range Resource accusing the company of causing natural gas to leak into the water supply of two homes outside Fort Worth, Texas (*E&ENews PM*, March 30). Armendariz's accusation was aimed not only at Range, but at the state officials who soon after cleared the company. He said state regulators were failing to protect their own residents.

In the weeks before the Range retreat, EPA had also agreed to retest groundwater in Pavillion, Wyo., that it had deemed contaminated with hydraulic fracturing fluid, and announced that its high-profile intervention in Dimock, Pa., had yielded benign results (*EnergyWire*, April 2).

Inhofe said EPA's decision to take on the three cases showed its inclination to regulate hydraulic fracturing, a drilling process it is studying for its effects on drinking water quality.

Launching his investigation, Inhofe sent a six-page list of questions to EPA Administrator Lisa Jackson, focused primarily on the Texas case. He requested a response by May 11.

EPA defended its enforcement approach with an emailed statement from Cynthia Giles, the agency's assistant administrator for Office of Enforcement and Compliance Assurance.

"Strong, fair and effective enforcement of the environmental laws passed by Congress is critical to protecting public health and ensuring

that all companies, regardless of industry, are playing by the same rules. Enforcement is essential to the effectiveness of our environmental laws, ensuring that public health is protected and that companies that play by the rules are not at a disadvantage," Giles said. "The same holds true for companies involved in responsible and safe development of our nation's domestic energy resources."

Range Resources took a less combative approach today in its reaction to Inhofe's move. Company spokesman Matt Pitzarella issued a statement saying, "We're pleased that when the EPA in Washington, D.C., examined the case involving Range they allowed facts and science to lead to their withdrawal."

Inhofe has shown himself at times to be more opposed to oil and gas regulations than the industry itself. Inhofe recently lambasted the Obama administration for creating a coordination panel that the American Petroleum Institute had requested.

In his floor speech, Inhofe quoted Armendariz extensively from a [video](#) taken at a 2010 town hall meeting in Dish, Texas. In the video, Armendariz makes a vivid explanation of how he deploys limited enforcement resources.

"I was in a meeting once, and I gave an analogy to my staff about my philosophy of enforcement, and I think it was probably a little crude and maybe not appropriate for the meeting, but I'll go ahead and tell you what I said. It was kind of like how the Romans used to conquer little villages in the Mediterranean," Armendariz explained.

"They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage for the next few years," he said.

He continued, "And so you make examples out of people who are in this case not compliant with the law. Find people who are not compliant with the law, and you hit them as hard as you can and you make examples out of them, and there is a deterrent effect there. And companies that are smart see that, they don't want to play that game, and they decide at that point that it's time to clean up."

Reporter Jean Chemnick contributed.

WATER POLLUTION: Suncor builds fountain to eject benzene from Colo. creek

Published: Wednesday, April 25, 2012

In a cleanup effort, Suncor Energy is spraying contaminated water into the air as it tries to remove cancer-causing benzene from Colorado's Sand Creek before the water reaches the South Platte River.

The company discovered in November 2011 that one of its underground plumes was oozing water into creek banks. Recent test data show that benzene concentrations in the South Platte River remain 30 times higher than the federal drinking-water standard of 5 parts per billion.

Suncor set up a diesel-powered pump that pulls 500 gallons a minute out of Sand Creek and returns it to the stream in an aerial arc. This action frees benzene from water before it lands back in the stream. Suncor officials want to install a larger pump that could spray more water.

The effort has led to the question of whether benzene is worse in the air or in water. Colorado Department of Public Health and Environment regulators haven't decided which option would be better.

"It's an important balancing act," department spokesman Warren Smith said. "We want to protect both as best we can" (Bruce Finley, [Denver Post](#) , April 24). -- JE

ClimateWire -- Thu., April 26, 2012 -- [Read the full edition](#)

1. TECHNOLOGY: Clean energy lag means world is headed for 6-degree-Celsius temperature rise, says IEA

LONDON -- The world is far behind on delivering the low-carbon energy it needs, and unless urgent action is taken, calamitous climate change is certain, the International Energy Agency told a meeting yesterday of energy ministers whose countries account for 80 percent of global energy demand.

2. POLITICS: Obama, attempting to broaden his appeal, attacks Romney as extreme on climate change

President Obama indicated yesterday that he will use Republican denunciations of climate change to cast Mitt Romney as the standard-bearer of a stridently conservative GOP that belittles science. The move coincides with similar moves by administration officials and political allies to describe Republicans as a backward force on climate.

TODAY'S STORIES

3. CITIES: Boston to shrug aside climate risk, proceed with waterfront development

4. FOOD SECURITY: Latest global food prices signal future spikes

5. SCIENCE: Warmer ocean water accelerates Antarctic ice loss

- [6. FORESTS: Brazilian Congress passes latest Forest Code](#)
- [7. STATES AND CITIES: Does the U.S. need Washington to build up clean energy?](#)
- [8. POLICY: World must curb population growth, rebalance consumption and change economics -- scientists](#)
- [9. TRANSPORTATION: Calif. makes bid to link high-speed rail, renewables](#)
- [10. STATES: Gov. Brown orders Calif. state buildings to cut energy use, add green power](#)
- [11. ENERGY EFFICIENCY: Experts voice support for a comprehensive energy standards panel](#)
- [12. ARCTIC: Warming is creating 'storms' below the ocean's surface -- study](#)
- [13. COAL: Controversial power plant approved in Miss.](#)
- [14. SPECIES: Global warming could bring disease-spreading mosquitoes to northwest Europe](#)
- [15. EMISSIONS: Okla. energy provider to shut down one coal unit, upgrade a second](#)

E&ETV's OnPoint

- [16. ENERGY POLICY: Western Energy Alliance's Wigley says air regulations hurting independent producers](#)

EnergyWire -- Thu., April 26, 2012 -- [Read the full edition](#)
[1. OIL: Utah could see tar sands production by year's end](#)

At a time when the Keystone XL pipeline has become a hot political topic for national environment groups, politicians and oil industry officials, Utah has been quietly paving the way for U.S. tar sands production on state lands. Indeed, if all goes smoothly in the regulatory process, U.S. Oil Sands could begin construction in the state later this year -- a fact that environmental groups are eager to spread.

THIS MORNING'S STORIES

- [2. NATURAL GAS: Chesapeake's stock slide continues, but analysts keep faith](#)
- [3. POLITICS: Texas oil regulator candidates to Obama, EPA: 'Leave us alone'](#)
- [4. NATURAL GAS: Mich. lawmakers see industry, manufacturing growing with help](#)
- [5. LNG: Sierra Club 'breakthrough' on exports coming today](#)
- [6. PIPELINES: Spectra floats plan to expand New England's natural gas supply](#)
- [7. BUSINESS: Mont. truck part sales soar on heels of Bakken boom](#)
- [8. JAPAN: Tokyo has 'strong interest' in LNG to offset nuclear reductions](#)
- [9. AUSTRALIA: LNG exports ramp up](#)

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